

JUN 28 2013

IN THE UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF ARKANSAS  
FORT SMITH DIVISIONCHRIS R. JOHNSON, Clerk  
By \_\_\_\_\_  
Deputy Clerk

GEORGE C. ROBINSON, ET AL

PLAINTIFFS

V.

CASE NO. 2:02-CV-02282

OPTION ONE MORTGAGE CORPORATION

DEFENDANT

**BRIEF IN SUPPORT OF RENEWED MOTION FOR DEFAULT JUDGMENT**

Plaintiffs filed the original Motion for Default Judgment as requested by this Court because this Court agreed that : "Although there is proof of service of process, the following defendant (s) have failed to plead or otherwise defend the claim of the plaintiff (s) in the prescribed time :

Option One Mortgage Corporation

Option One Mortgage Corporation has added a secondary name which appears as follows: Option One Mortgage Corporation/ Sand Canyon. But for purposes herein Plaintiffs shall refer to Defendant as Option One Mortgage Corporation, which is consistent with Defendant's name already on file at this Court. Plaintiffs did not file for a clerk's default judgment because Plaintiff's were not sure about "reasonable attorney fees", Court cost etc. Plaintiffs moved the Court for Default Judgment, on May 23, 2003. But Plaintiff's Motion for Default Judgment was stayed on May 27' 2003, by the Court's ORDER of ADMINISTRATIVE TERMINATION.

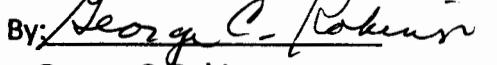
For further briefing, please see and incorporate Plaintiff's Brief in Support of Motion for Default Judgment filed May 23, 2003. Also see the Court's "NOTICE OF DEFAULT PROCEDURES UNDER FRCP 55", listed as Exhibit "A" and attached herein.

Finally, Option One Mortgage Corporation has failed to appear and plead and otherwise defend in this case as provided by the Rules of F. R. C. P., and that has been made clear by the Court. Therefore, as a matter of law and pursuant to Rule 55, of F. R. C. P., Default Judgment should be entered against Option One Mortgage Corporation.

Respectfully submitted,  
George C. Robinson  
2004 Nth 47<sup>th</sup> Circle

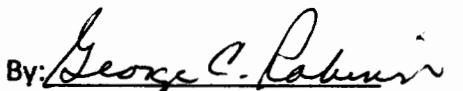
Fort Smith, Ar. 72904

479-420-5267

By:   
George C. Robinson

**Certificate of Service**

I George C. Robinson, a Plaintiff herein, do certify that a true and correct copy of Plaintiff's BRIEF IN SUPPORT OF RENEWED MOTION FOR DEFAULT JUDGMENT, has been mailed to Option One Mortgage Corporation/Sand Canyon, and their legal counsel at the addresses below by way of U.S. certified mail with return receipt, on July 2, 2013.

By:   
George C. Robinson  
2004 Nth 47<sup>th</sup> Circle  
Fort Smith, Ar. 72904  
479-420-5267

Option One Mortgage Corporation/Sand Canyon  
7595 Irvine Center Drive, Suite 100  
Irvine CA. 92618  
United States

The Farrar Firm  
Attorneys At Law  
First National Bank Building, Third Floor  
135 Section Line Road, #5  
Hot Springs National Park, Arkansas 71913

IN THE UNITED STATES DISTRICT COURT U. S. DISTRICT COURT  
WESTERN DISTRICT OF ARKANSAS WESTERN DISTRICT ARKANSAS  
FILED

**NOTICE OF DEFAULT PROCEDURES UNDER FRCP 55**

APR 10 2003

**FAILURE TO PLEAD OR DEFEND CLAIM OF PLAINTIFF(S)**

CHRIS R. JOHNSON, CLERK

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**DEPUTY CLERK**

Date: April 10, 2003

To: David L. Dunagin, Esq.  
Attorney at Law  
P.O. Box 41  
Fort Smith, AR 72902

Re: Case # 2:02-cv-02282

**GEORGE C. ROBINSON, ET AL V. OPTION ONE MORTGAGE CORPORATION**

Although there is proof of service of process in the file or signed waiver of service of process, the following defendant(s) have failed to plead or otherwise defend the claim of the plaintiff(s) in the prescribed time:

## Option One Mortgage Corporation

Return the attached Affidavit in Support of Default (one for each defendant) within 14 days in order that we may enter the defendant(s)' default, FRCP 55(a). In addition, within the same time period, move for default judgment either by the clerk or the court, FRCP 55(b).

A clerk's default judgment can be entered only as to a "sum certain or a sum which can by computation be made certain." If any of the relief sought in the complaint is not for a sum certain as, for example, "reasonable attorney fees," then a clerk's default judgment is not proper and you should move the court for a default judgment.

If you seek a clerk's default, attach an affidavit (of someone with personal knowledge) of the amount due. If you move the court for a default judgment, attach any proper affidavits and prepare a default judgment for the judge's signature.

FAILURE TO RETURN THE AFFIDAVIT IN SUPPORT OF DEFAULT AND/OR TO MOVE FOR DEFAULT JUDGMENT WITHIN THE PRESCRIBED TIMES MAY RESULT IN A DISMISSAL FOR FAILURE TO PROSECUTE.

AT THE DIRECTION OF THE COURT

CHRISTOPHER R. JOHNSON, CLERK

Ex:

R. Z. E.  
Deputy Clerk